

Notice of Allowability

Application No.

10/516,524

Examiner

Anastasia Midkiff

Applicant(s)

UKITA, MASA AKI

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant Amendment filed 27 April 2007.
2. ☒ The allowed claim(s) is/are 2-5 and 7-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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ATTACHMENT TO NOTICE OF ALLOWABILITY

Allowable Subject Matter

Claims 2-5 and 7-18 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to Claim 17, the prior art of record teaches many of the elements of the claimed invention, including an apparatus for generating x-rays by irradiating a target with an electron beam, comprising: an electron gun operative for emitting electrons; an electron lens having a bore extending there through for receiving and converging the emitted electrons; translation means for translating said target in directions parallel to a surface thereof, the translation means disposed within the bore of the electron lens; a holder connected to the translation applying means and operative to hold the target within or adjacent to the bore; and a vacuum vessel operative for containing the electron gun, the electron lens, the translation applying means and the target in a vacuum.

However, prior art fails to teach or fairly suggest the apparatus wherein the translation means are vibration applying means, in that the translation means does not have reciprocating motion, and that the vibration applying means is connected to the electron lens, in the manner required by Claim 17.

Claims 2-5, 7-16, and 18 are allowed by virtue of their dependency upon Claim 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments, see Applicant Amendment, filed 27 April 2007, with respect to objections to Claims 7 and 13, and 35 USC 112, first paragraph, rejections of Claims 1-2, 11-13, and 15-16 have been fully considered and are persuasive. The objections to Claims 7 and 13, and 35 USC 112, first paragraph, rejections of Claims 1-2, 11-13, and 15-16 have been overcome by the amendment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Documents to: Ukita (US 6,377,660 B1) teaches translating an x-ray target to select a desired target material, but does not teach reciprocating motion (i.e., vibration) or any structure of the target holder means, and does not teach an electron lens.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anastasia Midkiff whose telephone number is 571-272-5053. The examiner can normally be reached on M-F 7-4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASM
7/21/07



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER